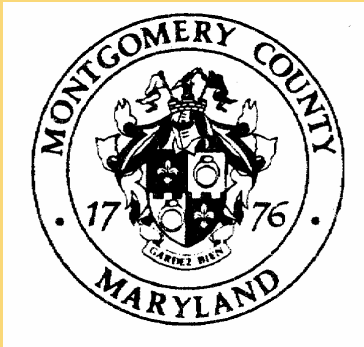


NUTRITION LABELING IN EATING AND DRINKING ESTABLISHMENTS

MOVING TO A HEALTHIER MONTGOMERY COUNTY

**What you need to
know to comply with
the MC Code
Chapter 15
Nutrition Labeling
Law**



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What is Montgomery County's menu labeling law?

The Montgomery County Council, acting as the Board of Health, adopted Resolution 16-1194 (Montgomery County Code Chapter 15, Section 15-15a) requiring an eating and drinking establishment to post nutritional information for any standardized menu item by July 1, 2010. Regulation 7-10 identifies the criteria for complying with Resolution 16-1194.

When must an establishment comply with the Resolution?

An establishment must submit to Licensure and Regulatory Services, no later than September 15, 2010, a written implementation plan indicating when compliance is expected to be achieved. Compliance is mandatory no later than January 1, 2011.

What establishments must comply with the law?

Any eating or drinking establishment located in Montgomery County that is part of a chain with at least 20 locations in the United States offering substantially the same menu items and doing business under the same trade name, regardless of individual ownership.

What establishments are exempt from the law?

Grocery stores, convenience stores, and movie theaters.

What is a standardized menu item?

A standardized menu item is a food or drink item as usually prepared and offered for sale.

A standardized menu item does **not** include food or drink that:

1. appears on the menu for less than 60 cumulative days per calendar year,
2. is not listed on a menu or menu board (for example, condiments, spices, or sweeteners placed on a table or counter for general use without charge),
3. is a test market item that appears on the menu for less than 90 cumulative days per calendar year, or
4. is a daily special.

What food items are exempt from the law?

Condiments, garnishes, and self-service commercially packaged items that already contain the complete nutritional labeling.

What is a "menu" or a "menu board"?

A "menu" or "menu board" is the primary writing of an eating and drinking establishment from which a consumer makes an order selection. This includes menus or menu boards posted at a drive thru, on a children's placemat, for delivery or carryout, or as table tent at a bar or on a dining table. Menus mailed or dropped off to a business or private residence must also comply with the law. Advertisements, such as coupons and window posters, are not included.

What information must be posted on each menu or menu board?

1. The number of Calories for any standardized menu item posted next to that menu item and in a manner that is clear and conspicuous to the consumer.
2. A statement as to the current suggested daily caloric intake determined by the U.S. Department of Health and Human Services. An example of an approved statement is: "A 2,000 Calorie daily diet is used as the basis for general nutrition advice. However, individual caloric needs may vary. Visit www.mypyramid.gov for more information".
3. A statement that additional nutrition information is available in writing upon request.

What additional nutrition information must be available in writing?

Calories; Calories from fat; total fat; saturated fat; cholesterol; sodium; total carbohydrates; sugars; fiber; protein must be provided per serving or, when the menu item is offered as a single unit (such as a bagel or muffin), per menu item from a self service unit or a display case.

Does the law allow for rounding the amount of Calories and additional nutrition information?

Yes, in accordance with the menu labeling regulations. Refer to the Code of Federal Regulations (CFR) Titles 9 and 21 for additional information on rounding nutritional values.

What is the required font size for the number of Calories and the required statements?

The printing must be clear and conspicuous to the consumer, such that a person may read the information when standing at the ordering counter or from the menu or food tag. The information must be easily located on the menu, menu board, self-service unit, or display case and clearly associated with that menu item.

Can an eating and drinking establishment use an abbreviation for the word "Calorie" or for the additional nutrition information?

Yes. An eating and drinking establishment may propose an alternative designation for the term "Calorie" or for any other term in the additional nutrition information.

Is an eating and drinking establishment required to provide the number of Calories for items that accompany a sandwich (such as chips, pickles, or cheese) and are printed on a menu or menu board?

Yes, if the item is listed separately on the menu or menu board and is not presented to the consumer in an original commercial package with the federally required nutrition information provided.

What are the requirements for buffets, salad bars, cafeteria lines, beverage stations or similar self-service operations?

The number of Calories per serving or per item must be posted on a food tag adjacent to each food or drink offered for sale, unless the information is provided on a menu or menu board. If the menu item is not listed on a menu or menu board, the two required statements must be posted at the cafeteria line, self service unit or display case.

What about menu items that may have a range of Calories based on a consumer's choice of flavor or variety?

If the item is listed as a single menu item, post the minimum and maximum range of Calories for each size offered (for example: "Build your own burrito. Choose from chicken, steak, pork, or veggies. Add rice with red or black beans, all for \$6.99 (310 – 600 cal)"). The minimum and maximum values of the additional nutrition information must be available in writing upon request for each flavor or variety of that item. If the menu item lists the different flavors or varieties separately (for example, "add cheese for \$1.00"), the number of Calories must be listed separately next to the flavor or variety.

Can a medium caloric value be posted instead of a minimum and maximum range?

No. The minimum and maximum caloric range must be posted for menu items that offer differing flavors or varieties. Each size offering must have a calorie count or the minimum and maximum range posted.

Does the law apply to alcoholic beverages?

Yes, if the beverage is listed on a menu or menu board. The following average nutritional values shall be used:

Wine (5 ounces) – 122 Calories, 4 grams carbohydrate, 7 milligrams sodium.

Regular Beer (12 ounces) – 153 Calories, 13 grams carbohydrate, 14 milligrams sodium.

Light Beer (12 ounces) – 103 Calories, 6 grams carbohydrate, 14 milligrams sodium.

Distilled Spirits (80 proof gin, rum, vodka, or whiskey) (1.5 ounces) – 96 Calories.

What if the menu item is listed and served as a combination of different food items such as an appetizer sampler, sandwich meal, or combination meal?

Post the minimum and maximum range of Calories for all combinations of that menu item next to the item on the menu or menu board (for example, "Choose two from the following list"). If the menu item is presented to the consumer as it is listed on the menu or menu board without a choice of flavors or variety, then the total number of Calories must be posted next to the menu item (for example, "The appetizer sampler platter includes mozzarella sticks, buffalo wings, and fried onions all for \$10.00 (610 cal)").

How should I calculate the Calorie and other nutrition content of a standardized menu item?

An eating and drinking establishment is responsible for determining the number of Calories and nutrition content for each standardized menu item by using a verifiable method of analysis, such as laboratory testing or the use of nutrient databases, in accordance with applicable federal law.

How should a menu or menu board list the number of Calories for a single menu item if that item consists of more than one serving?

Calories must be posted for each standardized menu item as it is listed on a menu or menu board.

What will happen if I don't comply with the menu labeling law?

- Any violation is a Class A civil violation which could result in the owner receiving a civil citation with a \$500 fine for each offense. Each day a violation exists is a separate offense.
- The Director of Health and Human Services may suspend a license for up to three days if the Director finds that the operator of an eating and drinking establishment has knowingly and repeatedly violated the law.

Why is the menu labeling law necessary?

- An increase in caloric intake is a key factor contributing to the increase in obesity in the United States. Obesity increases the risk for diseases such as diabetes, cardiovascular disease (heart disease and stroke), osteoarthritis, sleep disorders, and cancer. Obese adults are also more likely to have high blood pressure and high cholesterol.
- Consumption of saturated fat results in a high level of low density lipoprotein (LDL). Elevated levels of LDL lead to the build up of cholesterol in arteries which increases an individual's risk of heart disease.
- Excess dietary sodium may contribute to high blood pressure which, in turn, can lead to congestive heart failure, kidney failure, and stroke.
- 2003 data showed that nearly 60 percent of all deaths in Maryland were caused by heart disease, cancer, stroke, and diabetes. Heart disease alone accounted for 27% of all deaths. In addition, 25% of Maryland adults were diagnosed with high blood pressure and 34% were diagnosed with high cholesterol.
- The economic cost of obesity in the United States in 2000 was calculated at \$117 billion. In 2007, the economic costs of heart disease and stroke were estimated at \$432 billion.
- Food from eating and drinking establishments is generally higher in Calories and saturated fat and lower in nutrients than home-prepared foods.
- When eating out, individuals make healthier choices if provided with nutrition information at the point of service.

Who should I contact for additional information?

Contact the Montgomery County Office of Licensure and Regulatory Services at 240-777-3986 Monday through Friday from 7:30 am to 4:00 pm or by email at licregmail@montgomerycountymd.gov.

SAMPLE MENUS:

MENU

TASTES GREAT DELI

SUBS

Pick your bread / Pick your meat / Pick your cheese

Whole - \$7.95 (540 - 1680 cal) Half - \$5.50 (270 - 840 cal)

(all subs are topped with lettuce and tomato)

MEAT

Roast Beef Ham Veggie Turkey Breast
Tuna Salad Chicken Salad Italian Cold Cut

Grilled Chicken: add \$1.00 (150 cal) Bacon: add \$1.00 (136 cal)

CHEESE

Provolone Swiss American Cheddar

SOUPS

Bowl - \$3.99 (100 - 225 cal) Cup - \$3.50 (125 - 302 cal)

Chicken Noodle Tomato Cheddar Broccoli Minestrone

SALADS

Small - \$6.99 (311 - 635 cal) Large - \$8.99 (611 - 935 cal)

Garden Grilled Chicken Crispy Chicken Grilled Steak

Served with a roll and your choice of dressing (Italian, Ranch, Caesar, Honey Mustard, Vinaigrette)

Please see your server for additional nutrition information

A 2,000 Calorie daily diet is used as the bases for general nutrition advice. Visit www.mypyramid.gov for more information

MENU BOARD

BREAKFAST:	Price	Calorie
Egg Sandwich	\$3.00	655 C
Egg, Sausage and Cheese Sandwich	\$4.50	560 C
Scrambled Egg / with Cheese	\$3.00/\$4.00	85 / 185 C
Home Fries	\$3.00	680 C
Toast (White, Wheat, or Rye)	\$1.50	95 - 105 C
Bagel / with Cream Cheese	\$1.50/\$2.50	132 / 184 C
LUNCH:		
Hamburger / Cheeseburger	\$5.00/\$6.00	540 / 650 C
Grilled Chicken Sub	\$6.50	530 C
Grilled Cheese Sandwich	\$4.00	350 C
Turkey Sandwich	\$4.50	260 C
Roast Beef Sandwich	\$5.00	375 C
Tuna Salad Sandwich	\$4.50	465 C
Chicken Salad Sandwich	\$5.00	490 C
Egg Salad Sandwich	\$4.50	650 C
French Fries	\$2.50	315 C
Fried Chicken Tenders	\$4.00	275 C
Bottled Drink	\$1.50	
Bag of Chips	\$1.00	

Additional nutrition information is available upon request.

A 2,000 Calorie daily diet is used as the basis for general nutrition advice. Individual caloric needs may vary. Visit www.mypyramid.gov for more information.